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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,788	05/08/2006	Arthur Boothroyd	OT11.PAU.01.US	8698
David L. Henty Myers Dawes Andras & Sherman Suite 1150 19900 MacArthur Boulevard Irvine, CA 92612				
EXAMINER				
PAUL, DISLER				
ART UNIT		PAPER NUMBER		
2615				
MAIL DATE		DELIVERY MODE		
09/16/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/578,788

**Applicant(s)**

BOOTHROYD, ARTHUR

**Examiner**

DISLER PAUL

**Art Unit**

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 6/16/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

The Applicant's amended claim with the feature wherein' having distance between the microphone structure corresponding to a wavelength at low frequency and enhancing low frequency directivity" has been analyzed and considered please see office action below.

And further in regard to the official notice's challenged of the claim 3, the examiner has included the reference of Buck et al. (US 7,020,291 B2).

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 4 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim can not depend on a multiple dependent claim (e.g., claim 3 is a multiple dependent claim). See MPEP § 608.01(n). Accordingly, the claim 4 has not been further treated on the merits.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2; 5-15 are rejected under 35 U.S.C. 102(e) as being anticipated by

Rass (US 2003/0235319 A1).

Re claim 1, Rass disclose of the method for achieving increased directivity in listening situations where at least one microphone is embedded in a first structure and at least one microphone is embedded in a second structure, the first and the second structure being freely movable relative to each other to a distance corresponding to sound wavelengths at low frequency (fig.1-2 wt (1,20); page 3 par[0021,0030, 0040, 0033-0034]/the microphones structures may be freely moved at different positions/distance from each other for sound directivities of frequency dependent sounds which include low frequency sound), the method comprising conveying a microphone signal from one structure to a common processing unit for the microphone signals in the other structure and successively processing the signals for achieving a directional output based on the microphone input in both structures, wherein low frequency directivity is enhanced by said processing (fig.2 (28,23-24); par[0031,0038-0039, 0040]/increase/enhance all directivities and including low frequency ).

Re claim 2, the method according to claim 1, where the signal to be transmitted from one structure to another structure is delayed (fig.1 wt (23); par[0036]/signal with preprocessor may be delayed).

Re claim 5, the microphone array for achieving increased directivity in listening situations, where the array comprises at least two microphones for producing a corresponding number of microphone signals, where a first microphone is embedded in a first structure and a second microphone is embedded in a second structure, the first and the second structure being movable relative to each other to increase or decrease the distance between the first microphone and second microphones to a distance corresponding to sound wavelengths at low frequency, where means are provided for conveying the signals from the first microphone and the second microphone to a common processing unit for the microphone signals, wherein low-frequency directivity is enhanced by said common processing unit. (see claim 1,4 rejection)

RE claim 6, the microphone array according to claim 5, where the distance between a microphone in the first structure and a microphone in the second structure may be brought to a mutual distance for facilitating directivity processing facilitating directivity processing below 1000 Hz (fig.1; par[0033,0030]).

Re claim 7 has been analyzed and rejected with respect to claim 4.

Re claim 8, the microphone array according to claim 7 where, in addition, there are means for conveying the position to the processing unit (par[0030], fig.2 (16,28,23)).

Re claims 9, a microphone array according to the claims 9/1-9/5, where means are provided for conveying a microphone array signal to a head-worn device, e.g. a hearing aid, where these means for conveying may comprise a Radio Frequency (RF), inductive, Infra-Red (IR), wired or other transmission link (fig.2 (16,28); par[0041]).

Re claim 10-11 have been analyzed and rejected with respect to claims 1,9.

Re claim 12, A hearing aid for use in a system as defined in claim 10, where means are provided for receiving an additional external microphone input and for conveying these to a processing unit in the hearing aid, where the processing unit is adapted to provide a directional output based on the microphone inputs (fig.2 (23,24); par[0031,0036]).

RE claim 13, the hearing aid according to claim 12, comprising a wireless receiver for receiving microphone input signals from an independent microphone unit (fig.2; par[0041]).

Re claim 14, the microphone unit for use in a system as defined in claim 10, the unit comprising at least one microphone and a transmitter for transmitting a microphone signal to a hearing aid comprising a receiver (fig.2 wt (16,28)).

Re claim 15, the microphone unit according to claim 14, comprising a wireless transmitter for transmitting microphone input signals to an independent hearing aid unit (fig.2).

**3. Claim 3 is rejected under 35 U.S.C. 102(e) as being anticipated by Rass (US 2003/0235319 A1) and Buck et al. (US 7,020,291 B2).**

Re claim 3, the method according to claims 3/1, 3/2 with directivity, wherein the microphone signal of the one structure is amplified, filtered and weight adjusted/equalized for achieving directivity (par [0025,0040],fig.1 wt (23); par[0043]). However, Rass fail to disclose of the specific wherein the signals being attenuated and low-pass filter. However, Buck et al. disclose of a microphone signal structure wherein similar limitation the signals being attenuated and low-pass filter (fig.1 wt (filter,low pass); col.1 line 45-55) for purpose of achieving high directivity useful signal of attenuating sound emphasis. Thus, taking the combined teaching of Rass and Buck et al. as a whole, it would have been obvious for one of the ordinary skill in the art to have modify Rass with the signals being

attenuated and low-pass filter for purpose of achieving high directivity useful signal of attenuating sound emphasis.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Disler Paul whose telephone number is 571-270-1187. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DP

/Vivian Chin/  
Supervisory Patent Examiner, Art Unit 2615